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10/509,402	09/23/2004	Mikael Jaakola	915-001.037	5708

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EXAMINER
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PHAM, TUAN

ART UNIT	PAPER NUMBER
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2618

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04/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/509,402

Applicant(s)

JAAKOLA, MIKAEL

Examiner

TUAN A. PHAM

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/02/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed on 04/02/2007 have been fully considered but they are not persuasive.

In response to applicant's remark on pages 14-15, Applicant argues that there is no motivation to combine Kanesaka and Marshall as recited at claims 1 and 23.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to

do so found in order to record and retrieve information in the memory as well as communicating via voice recognition with other device as suggested by Marshall at col.5, [0054].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-6, 8-16, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanesaka et al. (U.S. Patent No.: 6,825,830, hereinafter, "Kanesaka") in view of Marshall (Pub. No.: US 2002/0095538).**

**Regarding claims 1 and 23**, Kanesaka teaches a personal telecommunication device (see figures 1&2, read on the combination of first 100 and second 101 information process devices), comprising:

a keypad for allowing a human user to input information to the personal telecommunication device (see figure 1, first information process device 100 is included keypad), and

a display for displaying information to a human user of the personal telecommunication device (see figure 1, second information process device 101 is included a display 120),

two mechanically separate structural parts, of which a first part is a keypad part (read on first information process device 100) that comprises the keypad (see figure 1, first information process device is included keypad), and a second part is an amulet (read on second information process device 101) that comprises the display (see figure 1, second information process device is included a display 120),

a short distance communication link between said keypad part and said amulet (see figure 1, first information process device 100, second information process device 101, col.4, ln.42-47), and

said amulet further comprising a hanging arrangement for allowing said amulet to be worn on the torso of a human user (see figure 1, neckband, col.4, ln.60-64).

It should be noticed that Kanesaka fails to teach the amulet comprises a microphone and speaker for setting up an audio interface between the personal telecommunication device and a human user. However, Marshall teaches such features (see figure 8, the module 200 is wearing around the user's neck comprises a MIC 206, speaker 208, col.5, [0054]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Marshall into view of Kanesaka in order to record and retrieve information in the memory as well as communicating via voice recognition with other device as suggested by Marshall at col.5, [0054].

**Regarding claim 2**, Kanesaka further teaches said keypad part (read on first information process device 100 of figure 1) comprises a main processor (see figure 2,

controller 200) adapted to control the operation of the personal telecommunication device (figure 2, first device 100), as well as a radio transceiver (figure 2, transceiver 201) coupled to said main processor (controller 200) for arranging bidirectional radio communication between the personal telecommunication device and a digital cellular radio network (see figures 1&2, base station 102, col.4, ln.18-52).

**Regarding claim 3**, Kanesaka further teaches the short distance communication link between said keypad part and said amulet is a unidirectional link from said keypad part to said amulet (see figure 1, col.4, ln.27-32).

**Regarding claim 4**, after combine, Marshall and Kanesaka teaches the claimed limitations. Marshall teaches said amulet comprises an input device (see figure 8, keypad 212), and Kanesaka teaches the short distance communication link between said keypad part and said amulet is a bidirectional link adapted to convey input information from said input device in said amulet to said main processor in said keypad part (see figures 1&2, first device 100, second device 101, controller 200, controller 210, col.4, ln.18-52).

**Regarding claim 5**, Kanesaka further teaches said keypad part comprises a microphone and an electro acoustic transducer for setting up an audio interface between the personal telecommunication device and a human user (see figure 2, first device 100, speaker 204, MIC 205).

**Regarding claim 6**, Marshall further teaches said amulet comprises another input device that comprise at least one pressable key (see figure 8, keypad 212).

**Regarding claim 8**, Kanesaka further teaches said amulet comprises a power switch for switching an operating power on and off (see figure 2, sub switch 213 is switch second device on/off).

**Regarding claim 9**, Kanesaka further teaches said amulet comprises a main processor adapted to control the operation of the personal telecommunication device, and said keypad part comprises a radio transceiver coupled to said main processor through a bidirectional short distance communication link between said keypad part and said amulet for arranging bidirectional radio communication between the personal telecommunication device and the digital cellular radio network (see figures 1&2, controllers 200, 210, first device 100, second device 101, col.4, ln.18-67).

**Regarding claim 10**, Marshall further teaches said amulet comprises a main processor adapted to control the operation of the personal telecommunication device, as well as a radio transceiver coupled to said main processor for arranging bidirectional radio communication between the personal telecommunication device and a digital cellular radio network (see figure 11, col.5, [0056], the module 240 should be include a controller and transceiver).

**Regarding claim 11**, Kanesaka further teaches the short distance communication link between said keypad part and said amulet is a unidirectional link from said keypad part to said amulet (see figure 1, col.4, ln.27-32).

**Regarding claim 12**, Marshall further teaches a third mechanically separate structural part (1001), which is a display part and comprises a display that is larger than the display in said amulet, and a short distance communication link between said

display part and the other parts of the personal telecommunication device (see figure 2, figure 8, display 82, display 210, it is clearly show that the display 82 is larger than the display 210 in the module 200).

**Regarding claim 13**, Kanesaka further teaches said keypad part is a mobile station of a cellular radio network and as such functionally completely independent of said amulet, said mobile station comprises a general purpose short distance transceiver for setting up and maintaining short distance communication connections with other devices, and said mobile station is adapted to transmit a copy of certain information destined to a display in said mobile station to said amulet through said general purpose short distance transceiver (see figures 1&2, controllers 200, 210, first device 100, second device 101, col.4, ln.18-67).

**Regarding claim 14**, Marshall further teaches said amulet is adapted to communicate with other devices than said keypad Part (see figure 2, module 10, headset 60).

**Regarding claim 15**, Marshall further teaches said amulet comprises a connector for connecting it into a receptive socket in another device (see figure 1, module 10, I/O 18, entertainment 30).

**Regarding claim 16**, Kanesaka further teaches said amulet is mechanically incompatible with said keypad part (see figure 1, device 101 can not couple with device 100).

**Regarding claim 24**, Kanesaka further teaches said first pad comprises a main processor adapted to control the operation of the personal telecommunication device,



as well as a radio transceiver coupled to said main processor for arranging bidirectional radio communication between the personal telecommunication device and a digital cellular radio network (see figure 1 and figure 2, device 100).

5. **Claims 17-18, 22, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall (Pub. No.: US 2002/0095538) in view of Kanesaka et al. (U.S. Patent No.: 6,825,830, hereinafter, "Kanesaka").**

**Regarding claims 17 and 25**, Marshall teaches an amulet part for a personal telecommunication device (see figures 1&2, 8, module 200), comprising:

a microphone and an electro acoustic transducer for setting up an audio interface with a user of the amulet (see figure 8, the module 200 is wearing around the user's neck comprises a MIC 206, speaker 208, col.5, [0054]),

a transceiver for establishing a communication between the microphone and electro acoustic transducer and the personal telecommunication device (see figure 2, wireless interface 18 using RF signal to permit communication to and from module 10, and it is obvious that it is included a transceiver, [0024]), and

a hanging arrangement for allowing the amulet part to be worn on the torso of a the user (see figure 1).

It should be noticed that Marshall fails to teach a display for displaying information to a human user of the personal telecommunication device, and a transceiver for receiving information to be presented in the display from another part of the personal telecommunication device. However, Kanesaka teaches a display for

displaying information to a human user of the personal telecommunication device (see figure 1, second information process device 101 is included a display 120), and a transceiver for receiving information to be presented in the display from another part of the personal telecommunication device (see figure 2, transceiver 211 receive the information from transceiver 209 and display information on display unit 212).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kanesaka into view of Marshall in order to improve user friendliness when confirming the content of a display displayed by the device as suggested by Kanesaka at col.1, ln.45-52.

**Regarding claim 18**, Marshall further teaches said hanging arrangement comprises a string with two ends of which are attached to a body of the amulet part so that the string constitutes a loop (see figure 1, band 14, [0023]).

**Regarding claim 22**, Marshall further teaches memory means for storing graphical information that is adapted to be shown on said display as a logo (see memory 202, display 210).

**Regarding claim 26**, Marshall further teaches said means for allowing the amulet part to be worn comprises a string with two ends attached to a body of the amulet part so that the string constitutes a loop (see figure 8).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanesaka et al. (U.S. Patent No.: 6,825,830, hereinafter, "Kanesaka") in view of Marshall (Pub. No.: US 2002/0095538) as applied to claim 1 above, and further in view of Adams et al. (Pub. No.: US 2004/0240163, hereinafter, "Adams").

Regarding claim 7, Kanesaka and Marshall, in combination, fails to teach touch screen display. However, Adams teaches such feature (see figure 1, display 100, col.2, [0019]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kanesaka and Marshall into view of Adams in order to easily input the data by hand.

7. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall (Pub. No.: US 2002/0095538) in view of Kanesaka et al. (U.S. Patent No.: 6,825,830, hereinafter, "Kanesaka") as applied to claim 17 above, and further in view of Mackey (U.S. Patent No.: 5,956,630).

Regarding claim 19, Kanesaka and Marshall, in combination, fails to teach an electro acoustic transducer at the end of a cord extending from said body of the amulet part, a certain length of which cord is attached to said string. However, Mackey teaches such features (see figure 1, transducer 20, close loop 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kanesaka and Marshall into

view of Mackey in order to comfortably worn the portable radio by an individual as suggested by Mackey at col.1, ln.58-63.

**Regarding claim 20**, Mackey further teaches two electro acoustic transducers, each transducer being located at the end of a cord extending from said body of the amulet part so that a certain length of each cord is attached to said string and between said certain length and the transducer at the end of the cord each cord hangs free from attachments to said string (see figure 1, transducer 20, close loop 25).

**Regarding claim 21**, Mackey further teaches a receiver for receiving radio broadcasts (see figure 1, radio receiver 14).

### **Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2618  
April 24, 2007  
Examiner



Tuan Pham

Supervisory Patent Examiner  
Technology Center 2600



Matthew Anderson